

AGENDA ITEM VII

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Item VII

Notice #1: Supervisor Qualifications/Requirements

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**TITLE 16 DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BEHAVIORAL SCIENCES
NOTICE OF PROPOSED CHANGES IN THE REGULATIONS**

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Handlery Union Square Hotel, 351 Geary Street, San Francisco, CA, 94102 on **November 16, 2006 at 1:00 p.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on **November 15, 2006** or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 4980.35, 4980.40(f), 4980.60, and 4990.14 of the Business and Professions Code, and to implement, interpret, or make specific Sections 4980.35, 4980.40(f), 4980.42 through 4980.45, 4980.54, 4996.21, 4996.22, and 4996.23 of the Business and Professions Code, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Amend Section 1833.1 – Requirements for Supervisors

Amend Section 1870 – Requirements for Associate Clinical Social Worker Supervisors

Section 1833.1 sets forth the requirements for supervisors of MFT Interns and Trainees, including a requirement that the supervisor "...has practiced psychotherapy for at least two years in the five year period immediately preceding any supervision and has averaged at least five patient/client contact hours per week."

Section 1870 sets forth the requirements for supervisors of Associate Clinical Social Workers (ASW), including a requirement that the supervisor "...has practiced psychotherapy as part of his/her clinical experience for at least two years within the last five years immediately preceding supervision."

The Board currently interprets supervision of an MFT Intern, MFT Trainee, or ASW to be "psychotherapy" for the purposes of meeting the practice requirements in Sections 1833.1 and 1870. This proposal would make this interpretation explicit in the regulations. It would also delete the requirement that supervisors of MFT Interns or Trainees average five patient/client contact hours per week.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:
N/A

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory action would not affect small businesses. This proposal would add clarification to the Board's regulations pertaining to requirements for supervisors.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Contact Person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the Contact Person named below.

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the Contact Person named below (or by accessing the website listed below).

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Justin Sotelo
Address: Board of Behavioral Sciences
1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7836
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The backup contact person is:

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WEBSITE ACCESS

Materials regarding this proposal can be found at www.bbs.ca.gov.

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**STATE OF CALIFORNIA – DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BEHAVIORAL SCIENCES
INITIAL STATEMENT OF REASONS**

HEARING DATE: November 16, 2006

SUBJECT MATTER OF PROPOSED REGULATIONS: Requirements for Supervisors;
Requirements for Associate Clinical Social Worker Supervisors

SECTIONS AFFECTED: Sections 1833.1 and 1870 of Division 18 of Title 16 of the California Code of Regulations

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT, OR REPEAL:

The specific purpose of this proposal is to make clarifying changes to Sections 1833.1 and 1870. The Board currently interprets supervision of an MFT Intern, MFT Trainee, or ASW to be “psychotherapy” for the purposes of meeting the practice requirements in Sections 1833.1 and 1870. This proposal would make this interpretation explicit in the regulations. It would also delete the requirement that supervisors of MFT Interns or Trainees average five patient/client contact hours per week.

FACTUAL BASIS/RATIONALE

This proposal is reasonably necessary in order to more explicitly set forth the requirements for supervisors of MFT Interns and Trainees and supervisors of Associate Clinical Social Workers.

UNDERLYING DATA

None

BUSINESS IMPACT

This proposal will not have a significant adverse economic impact on businesses. This proposal pertains to requirements for supervisors of MFT Interns and Trainees and supervisors of Associate Clinical Social Workers.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposed regulations do not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

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BOARD OF BEHAVIORAL SCIENCES
Proposed Language

Amend Section 1833.1 of Division 18 of Title 16 as follows:

1833.1. REQUIREMENTS FOR SUPERVISORS

~~(a) Any person supervising a trainee or an intern or trainee (hereinafter "supervisor") within California shall comply with the requirements set forth below and shall, prior to the commencement of such supervision, sign under penalty of perjury the "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern" revised 2-05 requiring that: below.~~

(a) Prior to the commencement of supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern" revised 12-05 requiring that:

(1) The supervisor possess and maintains a current valid California license as either a marriage and family therapist, licensed clinical social worker, licensed psychologist, or physician who is certified in psychiatry as specified in Section ~~4980.40 (f)~~ 4980.03 (g) of the Code and has been so licensed in California for at least two years prior to commencing any supervision; or

(A) Provides supervision only to trainees at an academic institution that offers a qualifying degree program as specified in Section 4980.40 (a) of the Code; and

(B) Has been licensed in California as specified in Section ~~4980.40 (f)~~ 4980.03 (g) of the Code, and in any other state, for a total of at least two years prior to commencing any supervision.

~~(2) If such supervisor is A supervisor who is not licensed as a marriage and family therapist, he or she shall have sufficient experience, training, and education in marriage and family therapy to competently practice marriage and family therapy in California.~~

(3) The supervisor keeps himself or herself informed of developments in marriage and family therapy and in California law governing the practice of marriage and family therapy.

(4) The supervisor has and maintains a current license in good standing and will immediately notify the ~~trainee or intern or trainee~~ of any disciplinary action, including revocation or suspension, even if stayed, probation terms, inactive license status, or any lapse in licensure, that affects the supervisor's ability or right to supervise.

(5) The supervisor has practiced psychotherapy or provided direct supervision of trainees, interns, or associate clinical social workers who perform psychotherapy for at least two (2) years within the five (5) year period immediately preceding any supervision ~~and has averaged at least five (5) patient/client contact hours per week.~~

(6) The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise trainees or interns.

(A) ~~Effective January 1, 2000, supervisors~~ Supervisors who are licensed by the board shall complete a minimum of six (6) hours of supervision training or coursework every two (2) years. This training or coursework may apply towards the continuing education requirements set forth in Sections 4980.54 and 4996.22 of the Code.

~~(B) Supervisors who are licensed by the board who have completed a minimum of six (6) hours of supervision training or coursework between January 1, 1997, and December 31, 1999, may apply that training towards the requirement described in subsection (A).~~

~~(C)~~ (B) Supervisors who are licensed by the board who ~~commence supervision on and after January 1, 2000, and~~ have not met requirements of subsection paragraph (A), shall complete a minimum of six (6) hours of supervision training or coursework within sixty (60) days of commencement of supervision.

(7) The supervisor knows and understands the laws and regulations pertaining to both the supervision of trainees and interns and the experience required for licensure as a marriage and family therapist.

(8) The supervisor shall ensure that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the trainee or intern or trainee.

(9) The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the trainee or intern or trainee by direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate by the supervisor.

(10) The supervisor shall address with the trainee or intern or trainee the manner in which emergencies will be handled.

(b) Each supervisor shall provide the trainee or intern or trainee with the original signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" revised 12-05 prior to the commencement of any counseling or supervision. ~~The intern~~ Trainees and interns shall provide the board with ~~his or her~~ the signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" revised 12-05 from each supervisor upon application for licensure. ~~The trainee shall provide the board with his or her signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" revised 12-05 from each supervisor upon application for internship.~~

(c) A supervisor shall give at least one (1) week's written notice to ~~an~~ a trainee or intern or trainee of the supervisor's intent not to certify any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

(d) The supervisor shall obtain from ~~any~~ each trainee or intern or trainee for ~~which~~ whom supervision will be provided, the name, address, and telephone number of the trainee's or intern's or trainee's most recent supervisor and employer.

(e) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where ~~an~~ a trainee or intern or trainee will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of marriage and family therapy; and (2) the experience is in compliance with the requirements set forth in this section.

(f) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

~~(g) The supervisor responsibility statement required by this section shall be used for supervisorial relationships commencing on or after 1-1-98.~~

~~(h)~~ (g) The board shall not deny hours of experience gained towards licensure by any supervisee due to failure of his or her supervisor to complete the training or coursework requirements in ~~subsection (a) (6)~~ subparagraph (a)(6)(A).

NOTE: Authority cited: Section 4980.35, 4980.40(f) and 4980.60, Business and Professions Code. Reference: Sections 4980.35, 4980.40(f), 4980.42 through 4980.45, 4980.54 and 4996.22, Business and Professions Code.

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BOARD OF BEHAVIORAL SCIENCES
Proposed Language

Amend Section 1870 of Division 18 of Title 16 as follows:

1870. REQUIREMENTS FOR ASSOCIATE CLINICAL SOCIAL WORKER SUPERVISORS

~~(a) Any person supervising an associate clinical social worker registered with the board on and after May 10, 1999, (hereinafter called "supervisor") within California shall comply with the requirements set forth below and shall, prior to the commencement of such supervision, sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 07/05), which requires that: below.~~

(a) Prior to the commencement of supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 12/05), which requires that:

(1) The supervisor possesses and will maintain a current valid California license as ~~either~~ a licensed clinical social worker or a licensed mental health professional acceptable to the Board as specified in ~~Section 4996.21(a) of the Code and Section 1874 of California Code of Regulations.~~

(2) The supervisor has and will maintain a current license in good standing and will immediately notify the associate of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or any lapse in licensure, that affects the supervisor's ability or right to supervise.

(3) The supervisor has practiced psychotherapy or provided direct supervision of associates, or marriage and family therapist interns or trainees who perform psychotherapy as part of his/her clinical experience for at least two (2) years within the last five (5) years immediately preceding supervision.

(4) The supervisor has had sufficient experience, training and education in the area of clinical supervision to competently supervise associates. ~~Effective January 1, 2001, supervisors who are licensed by the board shall have:~~

(A) A-Effective January 1, 2001, supervisors who are licensed by the board shall have a minimum of fifteen (15) contact hours in supervision training obtained from a state agency or approved continuing education provider. This training may apply towards the approved continuing education requirements set forth in Sections 4980.54 and 4996.22 of the Code. The content of such training shall include, but not be limited to:

~~1. familiarity~~ (i) Familiarity with supervision literature through reading assignments specified by course instructors;

~~2. facilitation~~ (ii) Facilitation of therapist-client and supervisor-therapist relationships;

~~3. evaluation (iii) Evaluation and identification of problems in therapist-client and supervisor-therapist relationships;~~

~~4. structuring (iv) Structuring to maximize supervision, including times and conditions of supervision sessions, problem solving ability, and implementing supervisor interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;~~

~~5. knowledge (v) Knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and~~

~~6. the (vi) The practice of clinical social work, including the mandated reporting laws, and knowledge of ethical and legal issues.~~

(5) The supervisor knows and understands the laws and regulations pertaining to both supervision of associates and the experience required for licensure as a clinical social worker.

~~(6) The supervisor shall ensure that the extent, kind and quality of clinical social work performed is consistent with the training and experience of the person being supervised and shall review client/patient records, monitor and evaluate assessment and treatment decisions of the associate clinical social worker, and monitor and evaluate the ability of the associate to provide services at the site(s) where he or she will be practicing and to the particular clientele being served, and ensure compliance with all laws and regulations governing the practice of clinical social work.~~

(6) The supervisor shall do all of the following:

(A) Ensure that the extent, kind and quality of clinical social work performed by the associate is consistent with the training and experience of the person being supervised.

(B) Review client/patient records and monitor and evaluate assessment and treatment decisions of the associate clinical social worker.

(C) Monitor and evaluate the ability of the associate to provide services at the site(s) where he or she will be practicing and to the particular clientele being served.

(D) Ensure compliance with all laws and regulations governing the practice of clinical social work.

~~(7) Effective January 1, 1999, the~~ The supervisor and the associate shall develop the "Supervisory Plan" as described in Section 1870.1 of the California Code of Regulations. This ~~The associate shall submit the~~ original signed plan for each supervisor shall be submitted to the board upon application for licensure.

(8) The supervisor shall provide the ~~board~~ associate with the original, signed "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 12-05), ~~within 30 days of prior to commencement of any supervision. A copy of this form shall be provided to the associate by the supervisor. The associate shall provide the board with the original signed form for each supervisor upon application for licensure.~~

(9) A supervisor shall give at least one (1) week's written notice to an associate of the supervisor's intent not to certify any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

(10) ~~Effective January 1, 1999, the~~ The supervisor shall complete an assessment of the ongoing strengths and limitations of the associate. The assessments shall be completed at least once a year and at the completion or termination of supervision. A copy of all assessments shall be provided to the associate by the supervisor.

(11) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

(b) The board shall not deny hours of experience gained toward licensure by any associate due to the failure of his or her supervisor to complete the training requirements specified in subparagraph (a)(4)(A).

Note: Authority cited: Section 4990.14, Business and Professions Code. Reference: ~~Section~~ Sections 4980.54, 4996.21, 4996.22, and 4996.23, Business and Professions Code.

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Item VII

Notice #2: Continuing Education Providers

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**TITLE 16 DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BEHAVIORAL SCIENCES
NOTICE OF PROPOSED CHANGES IN THE REGULATIONS**

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Handlery Union Square Hotel, 351 Geary Street, San Francisco, CA, 94102 on **November 16, 2006 at 1:00 p.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on **November 15, 2006** or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 4980.60 and 4990.14 of the Business and Professions Code, and to implement, interpret, or make specific Sections 4980.54, 4984.7, 4986.80, 4996.22, and 4996.6 of the Business and Professions Code, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Business and Professions Code Section 4980.60 authorizes the Board to adopt rules and regulations as may be necessary to enable it to carry into effect the provisions of Chapter 13 (Marriage and Family Therapists / Licensed Educational Psychologists). Business and Professions Code Section 4990.14 authorizes the Board to make such rules and regulations as may be necessary for the enforcement of Chapter 14 (Social Workers).

Amend Section 1816.7 – Delinquent Fees

The existing regulation sets forth delinquency fees for the licenses that the Board issues.

This proposal would add a delinquency fee for continuing education provider approval in order to reduce the processing of new provider applications. Currently, if a provider fails to renew its approval before its expiration, submittal of another new provider application is required.

Amend Section 1887.7 – Board Approved Providers

The existing regulation sets forth requirements for Board Approved Providers.

This proposal would delete the provision requiring a provider to apply for a new approval after the expiration date. In addition, the proposal would add the following provisions:

- A provider may not apply for a new provider approval number within one year of an existing approval's expiration unless the provider has undergone a change of ownership
- When a provider's approval is expired, no course may be presented for continuing education credits for licensees of the Board of Behavioral Sciences

Adopt Section 1887.75 – Renewal of Expired Approval

This proposal would set forth requirements for renewal of an expired approval.

Adopt Section 1887.77 – Time Limit for Renewal of Approval After Expiration; New Approval

This proposal would set forth a one-year time limit for renewal of an expired approval. Beyond one year from a provider's approval expiration, that provider would be required to apply for a new approval with the Board.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:
N/A

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory action would not affect small businesses. This proposal would establish delinquent fees for Continuing Education Providers.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Contact Person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the Contact Person named below.

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the Contact Person named below (or by accessing the website listed below).

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Justin Sotelo
Address: Board of Behavioral Sciences
1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7836
Fax: 916-574-8625
Email: Justin_Sotelo@dca.ca.gov

The backup contact person is:

Name: Christy Berger
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WEBSITE ACCESS

Materials regarding this proposal can be found at www.bbs.ca.gov.

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**STATE OF CALIFORNIA – DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BEHAVIORAL SCIENCES
INITIAL STATEMENT OF REASONS**

HEARING DATE: November 16, 2006

SUBJECT MATTER OF PROPOSED REGULATIONS: Delinquent Fees, Board Approved Providers, Renewal of Expired Approval, and Time Limit for Renewal of Approval After Expiration; New Approval

SECTIONS AFFECTED: Sections 1816.7, 1887.7, 1887.75, and 1887.77 of Division 18 of Title 16 of the California Code of Regulations

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT, OR REPEAL:

The specific purpose of this proposal is to: 1) add a delinquency fee for continuing education provider approval in order to reduce the processing of new provider applications; 2) prevent a provider from applying for a new provider approval number within one year of an existing approval's expiration unless the provider has undergone a change of ownership; 3) prevent courses from being presented for continuing education credit when a provider's approval is expired; 4) set forth requirements for renewal of an expired approval; and 5) set forth a one-year time limit for renewal of an expired approval.

FACTUAL BASIS/RATIONALE

Staff research indicated that nearly one-third of the new provider applications that it receives are from providers whose approvals have been cancelled by failing to renew on time. Therefore, this proposal is reasonably necessary, as it would: reduce the number of new provider applications received each year; set forth a reasonable time period for renewal of an expired approval, establish a delinquency fee which would encourage providers to not let their approval expire, and explicitly state that the Board is not able to grant continuing education credit to a licensee when a provider's approval is expired.

UNDERLYING DATA

None

BUSINESS IMPACT

The proposed regulations will not have a significant adverse economic impact on businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposed regulations do not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

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**Board of Behavioral Sciences
Proposed Language**

**Title 16, California Code of Regulations
Sections 1816.7, 1887.7, 1887.75, and 1887.77**

Amend

~~§1816.7 Delinquent License Fees~~

(a) The delinquency fee for the marriage and family therapist license shall be sixty-five dollars (\$65.00) except for the period of time in subsection ~~(d)~~ (e).

(b) The delinquency fee for the licensed clinical social worker license shall be fifty dollars (\$50.00) except for the period of time in subsection ~~(e)~~ (f).

(c) The delinquency fee for the licensed educational psychologist license shall be forty dollars (\$40.00) except for the period of time in subsection ~~(f)~~ (g).

(d) The delinquency fee for the continuing education provider approval shall be one hundred dollars (\$100).

~~(d)~~ (e) For the period of January 1, 2001 through December 31, 2002, the delinquency fee for the marriage and family therapist license shall be twenty-five dollars (\$25.00).

~~(e)~~ (f) For the period of January 1, 2001 through December 31, 2002, the delinquency fee for the licensed clinical social worker license shall be twenty-five dollars (\$25.00).

~~(f)~~ (g) For the period of January 1, 2001 through December 31, 2002, the delinquency fee for the licensed educational psychologist license shall be twenty-five dollars (\$25.00).

NOTE: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4984.7, 4986.80, and 4996.6, Business and Professions Code.

Amend

~~§1887.7 Board Approved Providers~~

(a) A continuing education provider must meet the board's course content and instructor qualifications criteria, as provided under this article, to qualify to become a board-approved provider.

(b) A continuing education provider shall submit a completed Continuing Education Provider Application (Form no. 37A-633, new 5/97) hereby incorporated by reference, remit the appropriate fees, and obtain a continuing education provider number from the board to become a board-approved provider.

(c) A provider may not apply for a new provider approval number within one year of an existing approval's expiration unless the provider has undergone a change of ownership.

~~(e)~~ (d) A provider approval issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired provider approval, the provider shall, on or before the expiration date of the approval, pay the two-year renewal fee set forth in Section 1816 of these regulations.

~~A provider approval which is not renewed by the expiration date may not be renewed, restored, reinstated, or reissued thereafter, but the provider may apply for a new approval.~~

(e) When a provider's approval is expired, no course may be presented for continuing education credits for licensees of the Board of Behavioral Sciences.

~~(d)~~ (f) Board-approved provider status is numbers are non-transferable.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

Adopt

§1887.75 Renewal of Expired Approval

A provider approval that has expired may be renewed at any time within one (1) year after its expiration upon all of the following:

(a) Filing an application for renewal on a form prescribed by the board.

(b) Payment of the renewal fee in effect on the last regular renewal date.

(c) Payment of the delinquency fee in effect on the last regular renewal date.

(d) Submission of a letter certifying that no courses were presented while the provider's approval was expired. If a course was presented during that time, the letter shall certify that all participants have been notified that the course was not valid for continuing education credit for licensees of the Board of Behavioral Sciences.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

Adopt

§1887.77 Time Limit for Renewal of Approval After Expiration; New Approval

A provider approval that is not renewed within one year of its expiration date may not be renewed, reinstated, or reissued thereafter, but the provider may apply for and obtain a new approval if:

(a) No fact, circumstance, or condition exists that, if the approval were issued, would justify its revocation.

(b) The applicant pays the fees that would be required if applying for approval for the first time.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

Item VII

Notice #3: Abandonment of Application Files,
Fees, and Technical Clean Up

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**TITLE 16 DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BEHAVIORAL SCIENCES
NOTICE OF PROPOSED CHANGES IN THE REGULATIONS**

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Handlery Union Square Hotel, 351 Geary Street, San Francisco, CA, 94102 on **November 16, 2006 at 1:00 p.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on **November 15, 2006** or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 4980.54, 4980.60, 4987, 4988.2, 4990.14, and 4994.1 of the Business and Professions Code, and to implement, interpret, or make specific Sections 730, 4980.03, 4980.20, 4980.30, 4980.35, 4980.40, 4980.44, 4980.50, 4980.54, 4984.7, 4984.8, 4986.20, 4986.70, 4986.71, 4986.80, 4986.82, 4987, 4987.6, 4992, 4994.1, 4996.2, 4996.3, 4996.4, 4996.6, 4996.18, 4996.22, and 4997 of the Business and Professions Code, Section 11166 of the Penal Code, and Section 15630 of the Welfare and Institutions Code, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Amend Section 1805 - Applications

The existing regulation sets forth the requirement that applications submitted to the Board for registration or licensure shall be on a form prescribed by the Board. Under subdivision (b), the regulation further sets forth the provision that the Board may issue final filing dates for all examinations not to exceed ninety (90) days prior to any examination.

Because the Board no longer administers an oral examination, this proposal would delete the current language under subdivision (b). However, because the current examination is administered on a continuous basis and the fact that a new version is implemented approximately once every six months, this proposal would establish a 180-day waiting period between examinations for any applicant retaking an examination in order to ensure that the applicant take a different version of the examination.

**Amend Section 1806 – Abandonment of Application
Repeal Section 1833.3 – Re-Examination**

Section 1806 currently requires candidates to take an examination within one year of notification of eligibility to take the examination. Section 1833.3 currently requires applicants who fail an examination to retake that examination within one year from the date of the failure. However, candidates who fail are provided with a notice of eligibility 180 days from the date of failure, so both sections apply and reflect two different time frames.

This regulatory proposal would resolve the discrepancy between these two regulations, providing all candidates with a one-year period in which to take an examination to avoid abandonment of their application.

Amend Section 1816 – Renewal Fees

Amend Section 1816.1 – Initial License and Registration Fees

Amend Section 1816.2 – Written Examination and Re-Examination Fees

Amend Section 1816.4 – Examination Application Fees

Amend Section 1816.6 – Inactive License Fees

The existing regulations set forth the Board's fees for the respective items.

This proposal would set forth non-substantive changes that would restructure the regulations or make text revisions in order to: provide clarity; improve structure and order; provide consistency across the practice acts; and remove duplicative, outdated, or unnecessary language. The proposed changes under these regulations would be more user-friendly for staff, applicants, licensees, and registrants.

The following proposed regulatory changes are technical and/or editorial in nature and are in line with statutory changes proposed under SB 1475, Committee on Business, Professions and Economic Development (2005-2006).

Amend Section 1854 – Equivalent Degrees

The existing regulation sets forth degrees deemed equivalent to those specified in Section 4986.20(a) of the Business and Professions Code (BPC).

Consistent with the proposed language under SB 1475 which would adopt BPC Section 4989.20, this proposal would instead reference “educational institution approved by the board...” under that new statute.

Repeal Section 1855 – Equivalent Experience in Pupil Personnel Services

This proposal would repeal outdated grandparenting provisions.

Amend Section 1856 – Experience Equivalent to Three (3) Years Full-Time Experience as Credentialed School Psychologist

This proposal would delete outdated grandparenting provisions under subdivision (d).

Repeal Section 1857 – Experience Equivalent to One Year of Supervised Professional Experience

This proposal would repeal outdated grandparenting provisions.

Amend Section 1858 – Unprofessional Conduct

This proposal would delete provisions that would instead fall under BPC 4989.54 (SB 1475).

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:
N/A

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory action would not affect small businesses. This proposal would make technical and/or editorial changes to the Board's regulations.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Contact Person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the Contact Person named below.

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the Contact Person named below (or by accessing the website listed below).

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Justin Sotelo
Address: Board of Behavioral Sciences
1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7836
Fax: 916-574-8625
Email: Justin_Sotelo@dca.ca.gov

The backup contact person is:

Name: Christy Berger
Address: Board of Behavioral Sciences
1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7830
Fax: 916-574-8625
Email: Christy_Berger@bbs.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.bbs.ca.gov.

**STATE OF CALIFORNIA – DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BEHAVIORAL SCIENCES
INITIAL STATEMENT OF REASONS**

HEARING DATE: November 16, 2006

SUBJECT MATTER OF PROPOSED REGULATIONS: Applications, Abandonment of Application, Re-Examination, Renewal Fees, Initial License and Registration Fees, Written Examination and Re-Examination Fees, Examination Application Fees, Inactive License Fees, Equivalent Degrees, Equivalent Experience in Pupil Personnel Services, Experience Equivalent to Three (3) Years Full-Time Experience as Credentialed School Psychologist, Experience Equivalent to One Year of Supervised Professional Experience, and Unprofessional Conduct

SECTIONS AFFECTED: Sections 1805, 1806, 1833.3, 1816, 1816.1, 1816.2, 1816.4, 1816.6, 1854, 1855, 1856, 1857, and 1858 of Division 18 of Title 16 of the California Code of Regulations

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT, OR REPEAL:

The specific purpose of this proposal is to: 1) establish a 180-day waiting period between examinations for any applicant retaking an examination in order to ensure that the applicant takes a different version of the examination; 2) resolve the discrepancy between 16 CCR Section 1806 and Section 1833.3, providing all candidates with a one-year period in which to take an examination to avoid abandonment of their application; 3) set forth non-substantive changes that would restructure the Board's regulations or make text revisions in order to: provide clarity; improve structure and order; provide consistency across the practice acts; and remove duplicative, outdated, or unnecessary language; 4) reference "educational institution approved by the board..." under BPC Section 4989.20 (SB 1475); 5) repeal and/or delete outdated grandparenting provisions; and 6) delete provisions under the Board's regulations that will instead fall under BPC 4989.54 (SB 1475).

FACTUAL BASIS/RATIONALE

This proposal is reasonably necessary in that it restructures and clarifies the Board's regulations, removes duplicative, outdated, or unnecessary language, and sets forth provisions that are in line with SB 1475.

UNDERLYING DATA

None

BUSINESS IMPACT

The proposed regulations will not have a significant adverse economic impact on businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposed regulations do not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

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BOARD OF BEHAVIORAL SCIENCES
Proposed Language

Title 16, California Code of Regulations
Sections 1805, 1806 and 1833.3

Amend § 1805 as follows:

(a) Applications submitted to the board for registration or licensure shall be on a form prescribed by the board.

~~(b) The board may issue final filing dates for all examinations not to exceed ninety (90) days prior to any examination. An applicant who fails to submit a complete examination application to the board by a final filing date shall not be eligible for that examination and his or her application shall be considered abandoned if it meets the criteria in Section 1806(c).~~

(b) A 180-day waiting period is required between examinations for any applicant retaking an examination.

Note: Authority Cited: Sections 4980.60, 4988.2, and 4990.14, Business and Professions Code.
Reference: Sections 4980.30, 4980.40, 4986.20, 4987.6, 4992, and 4996.2, Business and Professions Code.

Amend § 1806 as follows:

An application shall be deemed abandoned ~~if~~ under any of the following circumstances:

(a) The application has not been completed by the applicant within one (1) year after it has been filed. An application shall be deemed complete when all documents and information required have been submitted to the ~~board;~~ or board.

(b) The applicant does not submit information ~~that he or she has corrected~~ required in order to correct the deficiencies specified in a deficiency letter within one (1) year from the date of the deficiency ~~letter;~~ or letter.

(c) The applicant fails to sit for the standard written examination within one (1) year after being notified of ~~eligibility;~~ or initial eligibility to take the standard written examination.

(d) The applicant fails to sit for the clinical vignette examination within one year of being notified of passing the standard written examination.

(e) An applicant fails to retake an examination within one year from the date the applicant was notified of failing an examination.

~~(d)~~ (f) The applicant fails to pay the initial license fee within one (1) year after notification by the board of successful completion of examination requirements.

An application submitted ~~subsequent to the abandonment of a prior application~~ after an application has been abandoned shall be treated as a new ~~application.~~ application, including any fees required, and current requirements.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4980.30, 4980.35, 4984.7, 4986.20, 4986.80, 4992, and 4996.3, Business and Professions Code.

Repeal § 1833.3 as follows:

~~An applicant who fails any examination may within one (1) year from the date of that failure retake that examination as regularly scheduled without further application upon payment of the required examination fees. Thereafter, the applicant shall not be eligible for further examination unless a new application is filed, meeting all requirements, and required fees are paid.~~

~~Note: Authority Cited: Section 4980.60, Business and Professions Code. Reference: Sections 4980.40 and 4980.50, Business and Professions Code.~~

**BOARD OF BEHAVIORAL SCIENCES
PROPOSED LANGUAGE**

Title 16, California Code of Regulations

Amend §1816.

~~(a) The biennial renewal fee for a marriage and family therapist is one hundred fifty dollars (\$150.00). For those persons whose license expires on or after July 1, 1998, the biennial renewal fee shall be one hundred thirty dollars (\$130.00) except for the period of time in subsection (h).¹~~

~~(b) The biennial renewal fee for a licensed clinical social worker is one hundred fifty dollars (\$150.00). For those persons whose license expires on or after July 1, 1998, the biennial renewal fee shall be one hundred dollars (\$100.00) except for the period of time in subsection (i).²~~

~~(c) The biennial renewal fee for a licensed educational psychologist is eighty dollars (\$80.00) for each person whose license expires on or after July 1, 1998 except for the period of time in subsection (j).³~~

~~(d) The biennial renewal fee for a board-approved continuing education provider is two hundred dollars (\$200.00).⁴~~

~~(e) The annual renewal fee for intern registration is seventy-five dollars (\$75.00).⁵~~

~~(f) The annual renewal fee for associate clinical social worker registration is seventy-five dollars (\$75.00).⁶~~

~~(g) The fee for associate clinical social worker extension is fifty dollars (\$50.00).⁷~~

~~(h) For the period of January 1, 2001 through December 31, 2002, the biennial renewal fee for a marriage and family therapist is twenty-five dollars (\$25.00).⁸~~

~~(i) For the period of January 1, 2001 through December 31, 2002, The biennial renewal fee for a licensed clinical social worker is twenty-five dollars (\$25.00).⁹~~

~~(j) For the period of January 1, 2001 through December 31, 2002, The biennial renewal fee for a licensed educational psychologist is twenty-five dollars (\$25.00).¹⁰~~

(a) The annual renewal fee for marriage and family therapist intern registration is seventy-five dollars (\$75.00).

(b) The annual renewal fee for associate clinical social worker registration is seventy-five dollars (\$75.00).

(c) The fee for associate clinical social worker extension is fifty dollars (\$50.00).

(d) The biennial active renewal fee for a marriage and family therapist is one hundred thirty dollars (\$130.00).

(e) The biennial active renewal fee for a licensed educational psychologist is eighty dollars (\$80.00).

(f) The biennial active renewal fee for a licensed clinical social worker is one hundred dollars (\$100.00).

(g) The biennial renewal fee for a board-approved continuing education provider is two hundred dollars (\$200.00).

¹ Outdated.

² Moved to (f) and updated.

³ Moved to (e) and updated.

⁴ Moved to (g)

⁵ Remains in (a)

⁶ Remains in (b)

⁷ Remains in (c)

⁸ Remains in (h)

⁹ Moved to (j)

¹⁰ Moved to (i)

(h) For the period of January 1, 2001 through December 31, 2002, the biennial renewal fee for a marriage and family therapist is twenty-five dollars (\$25.00).

(i) For the period of January 1, 2001 through December 31, 2002, The biennial renewal fee for a licensed educational psychologist is twenty-five dollars (\$25.00).

(j) For the period of January 1, 2001 through December 31, 2002, The biennial renewal fee for a licensed clinical social worker is twenty-five dollars (\$25.00).

Note: Authority Cited: Sections 4980.54, 4980.60, 4990.14, and 4994.1, Business and Professions Code. Reference: Sections 4980.54, 4984.7, 4986.80, 4994.1, 4996.6, 4996.18, and 4996.22, Business and Professions Code.

Amend §1816.1.

~~(a) On or after July 1, 1998, the fee for issuance of the initial marriage and family therapist license shall be one hundred thirty dollars (\$130.00).¹¹~~

~~(b) On or after July 1, 1998, the fee for issuance of the initial clinical social worker license shall be one hundred dollars (\$100.00).¹²~~

~~(c) On or after July 1, 1998, the fee for issuance of the initial educational psychologist license shall be eighty dollars (\$80.00).¹³~~

~~(d) The fee for issuance of the initial intern registration shall be seventy-five dollars (\$75.00).¹⁴~~

~~(e) The fee for issuance of the initial associate clinical social worker registration shall be seventy-five dollars (\$75.00).¹⁵~~

(a) The fee for initial issuance of the marriage and family therapist license shall be one hundred thirty dollars (\$130.00).

(b) The fee for initial issuance of the licensed educational psychologist license shall be eighty dollars (\$80.00).

(c) The fee for initial issuance of the licensed clinical social worker license shall be one hundred dollars (\$100.00).

Note: Authority Cited: Sections 4980.60, 4990.14, and 4994.1, Business and Professions Code. Reference: Sections 4984.7, 4986.80, 4994.1, 4996.3, and 4996.18, Business and Professions Code.

Amend §1816.2. WRITTEN EXAMINATION AND RE-EXAMINATION FEES

~~(a) The examination and re-examination fee for the licensed clinical social worker standard written examination of the licensed clinical social worker fee shall be one hundred dollars (\$100.00).~~

~~(b) The examination and re-examination fee for the licensed clinical social worker written clinical vignette examination of the licensed clinical social worker fee shall be one hundred dollars (\$100).~~

~~(c) The examination and re-examination fee for the marriage and family therapist standard written examination fee of the marriage and family therapist shall be one hundred dollars (\$100.00).~~

~~(d) The examination and re-examination fee for the marriage and family therapist written clinical vignette examination of the marriage and family therapist fee shall be one hundred dollars (\$100.00).~~

~~(e) The examination and re-examination fee for the licensed educational psychologist written examination of the licensed educational psychologist fee shall be one hundred dollars (\$100.00).¹⁶~~

¹¹ Moved to (c) and updated.

¹² Moved to (e) and updated.

¹³ Moved to (d) and updated.

¹⁴ The board does not charge such a fee.

¹⁵ The board does not charge such a fee.

¹⁶ Re-examination fee is the same as the examination fee – not necessary.

Note: Authority Cited: 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.7, 4986.80, 4996.3(a), and 4996.4, Business and Professions Code.

Amend §1816.4.

- (a) The ~~examination application~~ fee for the marriage and family therapist examination eligibility application shall be one hundred dollars (\$100.00).
- (b) The ~~examination application~~ fee for the licensed clinical social worker examination eligibility application shall be one hundred dollars (\$100.00).
- (c) The ~~examination application~~ fee for the licensed educational psychologist examination eligibility application shall be one hundred dollars (\$100.00).¹⁷

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.7, 4986.80, and 4996.3, Business and Professions Code.

Amend §1816.6.

- (a) The fee for issuance or renewal¹⁸ of the ~~an~~ inactive marriage and family therapist license shall be sixty-five dollars (\$65.00) ~~except for the period of time in subsection (d).~~¹⁹
- (b) The fee for issuance or renewal²⁰ of the ~~an~~ inactive licensed clinical social worker license shall be fifty dollars (\$50.00) ~~except for the period of time in subsection (e).~~²¹
- (c) The fee for issuance or renewal²² of the ~~an~~ inactive licensed educational psychologist license shall be forty dollars (\$40.00) ~~except for the period of time in subsection (f).~~²³
- ~~(d) For the period of January 1, 2001 through December 31, 2002, the fee for issuance of the inactive marriage, family, and child counselor license shall be twelve dollars and fifty cents (\$12.50).~~
- ~~(e) For the period of January 1, 2001 through December 31, 2002, the fee for issuance of the inactive licensed clinical social worker license shall be twelve dollars and fifty cents (\$12.50).~~
- ~~(f) For the period of January 1, 2001 through December 31, 2002, the fee for issuance of the inactive licensed educational psychologist license shall be twelve dollars and fifty cents (\$12.50).~~²⁴
- (d) The fee for renewal of a delinquent inactive marriage and family therapist license is sixty-five dollars (\$65.00).
- (e) The fee for renewal of a delinquent inactive licensed clinical social worker license is fifty dollars (\$50.00).
- (f) The fee for renewal of a delinquent inactive licensed educational psychologist license is forty dollars (\$40.00).²⁵

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.8, 4986.82, and 4997, Business and Professions Code.

¹⁷ Changed to better reflect the purpose of the fee and proposed application title.

¹⁸ § 4984.8 states inactive licensees pay a biennial fee of half the active renewal fee.

¹⁹ Outdated.

²⁰ § 4997 states inactive licensees pay a biennial fee of half the active renewal fee.

²¹ Outdated.

²² § 4986.82 states inactive licensees pay a biennial fee of half the active renewal fee.

²³ Outdated.

²⁴ Outdated.

²⁵ § 1816.7 specifies delinquent license fees in general. Specified here in order to restructure and clarify.

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**BOARD OF BEHAVIORAL SCIENCES
PROPOSED LANGUAGE
Title 16, California Code of Regulations**

*Amend Sections 1854, 1856, 1858
Delete Sections 1855, 1857*

ARTICLE 5. LICENSED EDUCATIONAL PSYCHOLOGISTS

§1854.

~~Degrees deemed equivalent to those specified in Section 4986.20(a) of the Code shall include a master's degree or its equivalent obtained from a college or university accredited by one of the following agencies:~~ Educational institutions approved by the board are defined as a college or university accredited by one of the following agencies:

- (a) Western Association of Schools and Colleges.
- (b) Northwest Association of Secondary and Higher Schools.
- (c) Middle States Association of Colleges and Secondary Schools.
- (d) New England Association of Colleges and Secondary Schools.
- (e) North Central Association of Colleges and Secondary Schools.
- (f) Southern Association of Colleges and Schools.
- (g) The Credentials Evaluation Service of the International Education Research Foundation, Inc., where it evaluates the foreign degree as being equivalent to the required degree or degrees.

Authority cited: Section ~~4980.60~~ 4990.20(a), Business and Professions Code. Reference: Section ~~4986.20(a)~~ 4989.20(a)(1), Business and Professions Code.

§1855.

~~Semester hours in instructing a course in pupil personnel services approved by the board and offered by an institution accredited by one of the accrediting agencies set forth in Section 1854 above shall be deemed equivalent, within the meaning of Section 4986.20(d) of the Code, to semester hours of postgraduate work devoted to pupil personnel services under the following conditions:~~

- ~~(1) The applicant has instructed the particular course for at least two semesters;~~
- ~~(2) The particular course has not been submitted by the applicant for credit as a postgraduate course; and~~
- ~~(3) The particular course is not a practicum or field work course. In addition to the above, the board may, in its discretion, recognize other experience as equivalent to semester hours of postgraduate work devoted to pupil personnel services.~~

~~Authority cited: Section 4980.60, Business and Professions Code. Reference: Section 4986.20, Business and Professions Code.~~

§1856.

(a) No more than one year of experience will be granted for any 12 month period.

(b) Part time experience may be accumulated provided that the experience is obtained within six (6) calendar years.

(c) Experience as a credentialed school psychologist employed by a parochial or private school may, at the board's discretion, be deemed equivalent to experience as a credentialed school psychologist in the public schools.

~~(d) Persons meeting this requirement must verify this experience by written statements from their sponsors as specified in Section 4986.20 of the Code. These statements shall include information regarding the applicant's:~~

~~(1) Skill in the administration of standardized individual tests for subjects varying from three (3) to twenty-one (21) years of age.~~

~~(2) Skill in the interpretation of results to parents, teachers, administrators, admissions committees, or other appropriate parties.~~

~~(3) Skill in the classification of subjects for special programming based on existing legislation.~~

~~(4) Recognition and diagnosis of learning problems with recommendations for solution of the problems.~~

~~(5) Recognition and amelioration of behavior problems.~~

~~(6) Interpretation of scores of standardized group tests.~~

~~(7) Skills in the use of psychological counseling or other therapeutic techniques with children and parents.~~

Authority cited: Section 4980.60 4990.20(a), Business and Professions Code. Reference: Section 4986.20 4989.30(e), Business and Professions Code.

~~§1857.~~

~~(a) An applicant who has completed a minimum of seven hundred and twenty (720) clock hours under professional supervision as specified herein in the following experiences shall be deemed to have suitable experience equivalent to one year of supervised professional experience in an accredited school psychology program, or under the direction of a licensed psychologist:~~

~~(1) Utilization of all instruments presented within the prescribed course of study in the educational institution attended, with a wide variety of subjects (generally inclusive of WAIS, WISC, Binet, and group tests).~~

~~(2) Administration of additional tests commonly employed in the field by school psychologists.~~

~~(3) Consulting with teachers concerning learning and behavior problems of children enrolled in special education programs.~~

~~(4) Referral to and use of community agencies.~~

~~(5) Oral and written communication of results in accordance with the local supervisor's requirements.~~

~~(b) The local supervisor shall consult with the intern at least once weekly during the period of internship and shall:~~

~~(1) Possess a valid credential in school psychology; and~~

~~(2) Have a minimum of two (2) years experience in the field of school psychology.~~

~~(c) The general supervisor shall arrange for and coordinate intern placement with the local supervisor, and shall consult with the intern and/or the local supervisor at least three times during the period of internship. A general supervisor shall be qualified as one of the following:~~

~~(1) A credentialed school psychologist;~~

~~(2) A licensed psychologist;~~

~~(3) A licensed educational psychologist;~~

~~(4) A state or accredited training institution designated supervisor of school psychology trainees.~~

~~Authority cited: Section 4980.60, Business and Professions Code. Reference: Section 4980.20, Business and Professions Code.~~

§1858.

The Board may suspend or revoke the license of a licensee who:

~~(a) Misrepresents the type or status of license held by the licensee.~~

~~(b) (a) Impersonates a licensee or who allows another person to use his or her license.~~

~~(c) Aids or abets an unlicensed person to engage in conduct requiring a license.~~

~~(d) Intentionally or recklessly causes physical or emotional harm to a client.~~

~~(e) Commits any dishonest, corrupt, or fraudulent act which is substantially related to the qualifications, functions or duties of a licensee.~~

~~(f) When employed by another person or agency, encourages, either orally or in writing, the employer's or agency's clientele to utilize his or her private practice for further counseling without the approval of the employing agency or administration.~~

~~(g) Misrepresents or permits the misrepresentation of his or her professional qualifications, affiliations, or purposes.~~

~~(h) Has sexual relations with a client, or who solicits sexual relations with a client, or who commits an act of sexual abuse, or who commits an act of sexual misconduct, or who commits an act punishable as a sexual related crime if such act or solicitation is substantially related to the qualifications, functions or duties of an educational psychologist.~~

~~(i) Performs or holds himself or herself out as able to perform professional services beyond his or her field or fields of competence as established by his or her education, training and/or experience.~~

~~(j) (b) Permits a person under his or her supervision or control to perform or permits such person to hold himself or herself out as competent to perform professional services beyond the level of education, training and/or experience of that person.~~

~~(k) Fails to maintain the confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client during the course of treatment and all information about the client which is obtained from tests or other such means.~~

~~(l) Prior to the commencement of treatment, fails to disclose to the client, or prospective client, the fee to be charged for the professional services, or the basis upon which such fee will be computed.~~

~~(m) Advertises in a manner which is false or misleading.~~

~~(n) Reproduces or describes in public or in publications subject to general public distribution, any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate such test or device. An Educational Psychologist shall limit access to such test or device to persons with professional interests who can be expected to safeguard their use.~~

~~(o) Fails to comply with the child abuse reporting requirements of Penal Code Section 11166.~~

~~(p) Fails to comply with the elder and adult dependent abuse reporting requirements of Welfare and Institution Code Section 15630.~~

Authority cited: Section ~~4987~~ 4989.18, Business and Professions Code. Reference: Sections ~~730, 4986.70~~ 4989.54, ~~4986.71,~~ and ~~4987~~ 4989.18, Business and Professions Code; and Section 11166, Penal Code, and Section 15630, Welfare and Institutions Code.